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# SOME RECOLLECTIONS

OF THE LATE

## ANTOINE PIERRE BERRYER,

A PAPER READ BEFORE THE

NEW YORK HISTORICAL SOCIETY,

On Tuesday, February 16, 1869,

BY

### JOHN BIGELOW.

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1869.

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1869.

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THE death of Berryer marks an epoch in the history of forensic eloquence. Though belonging by his ideas and achievements rather to a past generation than to the present, he surrendered at the grave many honorable distinctions, any one of which would have filled the measure of no ordinary ambition. He was the greatest of French orators since Mirabeau, perhaps since Cicero ; he was for more than thirty years the undisputed head of the French bar ; from his youth up he was the favorite counsel for all political offenders in France ; he was one of the Immortels of the French Academy ; he was

the most distinguished representative of the so-called Legitimist party, over whose feebleness and unpopularity he threw the protecting mantle of his sympathetic genius. As a member of the Corps Legislatif no one spoke with more power nor was heard with greater respect. He was the ablest, and perhaps the last formidable champion of feudalism in France, outside the Church, and finally, he was a universal favorite in French society.

As the life of such a man, though he was the most thoroughly French of Frenchmen, could not be without its influence on every civilized people, so his death cannot be to any civilized people a matter of indifference. Justice will in due season be done to his genius, and achievements by his countrymen, who, alone among modern nations seem duly to estimate the value to the living, of the fame of their illustrious dead.

I propose to myself the humbler task of tracing what is best worth remembering of an intercourse with Mr. Berryer, neither very long nor very intimate, yet long enough and intimate enough to teach me what should be more generally known, that besides being one of the most gifted of men, he was one of the most substantial benefactors of the United States during the late crisis when our need of European friends was, I am sorry to say, in an inverse ratio to the supply. As such a benefactor, he has seemed to deserve some tribute from this Society.

Berryer was born and buried in the same years with the distinguished poet upon whom a new title to immortality was conferred only two weeks since, under the auspices of this body.<sup>a</sup> Thus it is with a certain solemn regularity that Nature marks the intervals between seed time and harvest, throughout her kingdoms. In 1811 he was called to the bar. In 1830, when he reached his fortieth year, then the age of eligibility, he was chosen a deputy to the Legislative Assembly where he made his debut as a political orator on the same day with Mr. Guizot. The Revolution of July in the same year made young Guizot a minister and the still younger Berryer, the Sysiphus of a hopeless opposition. A common genius inspired each of these eminent statesmen through life with a profound respect for the other, even while separated in their political action by the most divergent notions of duty but of late years common disappointments and common hopes had assisted in converting their respect into a cordial friendship.

Berryer was also a member of two republican Assemblies from 1848 to 1851. He was then in the full maturity of his genius. It was during this period that he achieved his greatest parliamentary triumphs and revealed that marvellous practical talent for affairs, which

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<sup>a</sup>. Wm. C. Bryant read a paper entitled "Some Notices of the Life of Fitz Greene Halleck," before the Historical Society on the 2d February. Halleck and Berryer were born 1790, and died in 1869.

every administration in succession tried in vain to attract to its support. Already it was remarked that he excelled all competitors in nothing more than in the skill with which he treated questions of finance which too frequently fall to the charge of statesmen more distinguished for industry than for eloquence.

In 1851 Berryer moved in the National Assembly the decree declaring Louis Napoleon Bonaparte deposed from the Presidency and that the Executive power pass into the hands of the National Assembly. The decree was adopted unanimously but resulted, as we all know, in a few hours in making the mover a prisoner in the casernes of the Quai D'Orsay and the President, Emperor of France. The following year Berryer was chosen *batonnier* of the French bar and member of the Academy.

In 1863 he was persuaded, not without much hesitation, to accept from his old constituency at Marseilles a seat in the Legislative Assembly.

My acquaintance with him commenced in the summer of that year and shortly after his election to that body in which by virtue of his age and his rank as an orator, jurist and statesman he was expected to occupy a seat of honor on the benches of the opposition.

The relations of the United States with Europe had at this time reached their most critical stage. The then recent arrest of Mason and Slidell, had furnished

our enemies with what they chose to regard as a pretext for an aggressive policy towards the United States; all the ports of England swarmed with blockade-runners and four formidable iron clad steamers were building for the Confederates in French waters. The statesmen of the Old World with scarcely an exception even among those most friendly to our Union despaired of our success and it seemed as if the governments of Western Europe were only waiting for the completion of these vessels to recognize the rebel organization at Richmond and practically extend the base of revolutionary operations against the United States from England to the Continent as the shortest way to end what they regarded as a ruinous and unprofitable war. Whether the catastrophe which seemed impending, could, or could not be averted, appeared to depend under Providence, mainly upon the course that should be taken by France. The great body of the French people never sympathized with the rebels and would never have forgiven any administration which directly or indirectly countenanced the spread or perpetuation of slavery. The danger was, or at least seemed to be that between Continental complications on the one hand and the desire of the Government to strengthen the Anglican Alliance, the people would remain in ignorance of the real issues until the irreparable mischief had been accomplished. The opposition could, if dis-

posed, make those issues intelligible to the people, and compel the Government if tempted as we then feared it might be to aid the rebels, to take at least three very perilous responsibilities before France :

1st. Of abetting the spread and perpetuation of African slavery ;

2d. Of aiding traitors to overturn an established government, of which no complaint could be made, except that it was unfavorable to the extension of slavery ;

3d. Of aiding in the overthrow of the only thoroughly Republican Government in the world !

On either of these issues no government in France would dare to encounter a well-organized and resolute opposition in the Corps Legislatif. It was important, therefore, to know as early as possible, how the leading members of that party felt towards us, and especially how men who like Berryer never pretended to have any sympathies with republicanism as such, could be made to see the impolicy of alienating the affections of a nation, whose friendship it was the traditional policy of France to cultivate. There was the more solicitude about his course because it was known that Mr. Thiers had never forgiven us for the somewhat imperative manner in which the government of which he was a member in 1835-6, had been summoned by General Jackson to pay an indemnity for old spoliation upon our commerce and,



as Berryer, like Thiers, opposed the payment of the indemnity, it seemed not impossible that he might also have nursed a grudge against us which he would be disposed to take this occasion to indulge.

Such was the situation when I learned through a common friend that Mr. Berryer was collecting information about our affairs, and would be pleased to have me spend a day with him at his country place, Augerville La Riviere, whither he had already repaired for his professional vacation.

The Chateau of Augerville lies about forty miles south of Paris and about fifteen miles from the railway station at Etampes. It was a princely property, and once belonged to an old Jacobite—in itself no inconsiderable attraction in Berryer's eyes,—and though very little money appeared to have been laid out upon it latterly, it had a certain feudal charm which age and neglect seemed rather to enhance than impair.

My path to the chateau led across a draw-bridge, and through a grassy court, trending off on either side to a beautifully wooded park. The lad who took my card soon returned and conducted me through the chateau, to the rear where I found the old gentleman, then seventy-three, sitting with an elderly lady in a spacious arbor under the trees on the lawn—it was the 16th of September—with his hand full of opened letters, just received. The group, the Chateau, the venerable

trees, their owner only less venerable conning his letters, the parterres of brilliant flowers which gemmed the lawn, the repose of everything around, presented one of those seductive pictures of rural comfort and refinement which I have never seen in their perfection out of France.

As he rose to receive me he put the finishing charm to the picture by giving it life. He was dressed in a velvet, single-breasted hunting jacket, gray figured pantaloons fitting snugly to the leg and low shoes. His head was covered by a white felt hat with a wide brim slightly turned up at the sides and sitting jauntily, a little on one side of the head. He was remarkably well formed; compact but not corpulent. His face without being handsome was fascinating and was illumined by a pair of large, dark eyes which challenged the respect and attention of any one upon whom they lighted. His welcome was so thoroughly cordial that I felt before I opened my lips that the primary object of my journey was accomplished.

After partaking of some refreshments he led the way to his study where our conversation soon fell upon the revolt in the United States and the relations of our respective countries. I went over the subject with him as briefly as I could, developing the issues that were accumulating between us and France and giving him at length the history of the conspiracy of which I



had just procured evidence, to build war steamers in France to be placed at the disposal of the rebels. In the course of our conversation I showed him a copy of the Imperial Proclamation of Neutrality issued in 1861. He read it, then for the first time, and said that if, in the face of such a proclamation the French Government permitted those steamers to leave port, it would be because the Emperor had determined to abandon the attitude of neutrality, he did not believe that anything could be done in the courts if the Government were against us and then launched out into a thrilling description of what he termed the subjected condition of the French people, a condition, said he, and his voice quivered with emotion as he uttered the words, "so humiliating to such an intelligent people."

He deplored the Mexican expedition, which he said he could not comprehend, neither could he comprehend the Emperor's passion for expeditions to the ends of the earth, which were exhausting the energies of France, without giving her wealth or glory. He seemed surprised and incredulous when I told him that I had information which led me to believe that the Archduke Maximilian, would accept the crown of Mexico, and asked if his uncle of Belgium would approve of such an arrangement. I gave my reasons for thinking that any objections King Leopold might have

entertained had been overcome. He said he had known the Archduke personally, that he was an *esprit vague*, and was no doubt influenced through some of the infirmities of his character to yield to this temptation, "but," he asked with some vehemence "what is the good of all this to France?" "She may collect the 700,000 francs that are owing to her citizens in Mexico," I answered with affected gravity. "Yes," said he with a grim smile, to "fill the pockets of speculators." His expression then becoming more serious, he said that he feared this Mexican enterprise was destined to embroil France with the United States, which he thought would be a result every way to be deplored. He then asked with increased earnestness what were our chances of maintaining the Union. I recapitulated the familiar reasons on which all loyal Americans nourished their faith; spoke of our marvellous artillery, of the one hundred war vessels we were then building, and the terror they would be to England's commerce if she violated her neutral obligations. "But," said he, interrupting me, "how about our commerce? would we not suffer equally?" I replied that France had comparatively little oceanic commerce. He shrugged his shoulders and said, "how lucky we have no commerce!" and then he told the story of a steady-going shopkeeper in the time of the first revolution who comforted himself

with the reflection that while many of his friends and neighbors were in a good deal of trouble, he had a place in the National Guard ; that the duty of patrolling the streets at night was not very hard, and to crown his good luck there was no business doing, "*Point de commerce.*" "So, we," said Berryer, "shall be fortunate, having no commerce if we stumble upon a war to keep us occupied till our business revives."

During this conversation we had taken our hats and were walking around his grounds. He paid no attention, however, to the beautiful objects of nature, which were dividing with him my interest and attention. He recurred to the situation of his country and said he could no longer stand the way things were going on. Though an old man, he was determined to do what he could to make the nation comprehend its position. He went on to say that there was a very large number of the *soi-disant* Imperialists who were dissatisfied with the Mexican expedition, and who thought just as he did about recognizing the confederate organization in America, but who, nevertheless, would not vote against the Government. The reason they gave to him for this refusal was, that a defeat of the Government would bring on a crisis, ruin the public credit and then would come all the evils, tried and untried, which usually follow in the train of revolutions in France. When I said that I had lost no opportunity with my Government and compa-

tricts, of testifying to the friendly dispositions which I found everywhere among the French people for our Republic, he said : “ You are very right to do so ; in this business the people and the Government are quite distinct. The French people are indisposed to take any step unfriendly to the United States. Unfortunately, the Emperor has one great advantage over us, French people. He can pursue his plans steadily and without being led aside by his *amour propre*, whereas, we French people, always make our interest secondary where our national pride is involved. In that way he is leading us a chase whither nobody seems to know but himself, and before we are aware of it or can help ourselves he may get our vanity on his side.”

Of England and of her policy towards the United States as well as towards France, he spoke in a tone which seemed to derive its bitterness all the way from the treaty of Utrecht. He denounced the Anglo-French alliance, said it had been fatal to every sovereign in France who had embraced it, that it had brought Charles X and Louis Philippe to grief, and that in the end he believed it would prove equally disastrous to the Emperor. It certainly would, if it should lead him into any combination against the United States. He then remarked that, as I might suppose from his past political associations, he favored the policy of Louis XIV towards America, and he felt that

the substantial interests of France were identified with our unity and strength. I left him perfectly satisfied that what with his prejudices—shall I call them—against the Imperial Government, his reverence for the traditions of his party and his respect for national rights, there was no danger, to say the least, of his giving consciously, any aid or comfort to our enemies.

In what I have briefly reported, of a conversation of several hours duration, I have not felt it necessary to say how far I shared, nor how far I did not share, the opinions expressed by Mr. Berryer, it being my present purpose simply to communicate as well as I can the impressions I received at my first interview with this remarkable man when a variety of matters of peculiar interest to Americans were passed in review.

I was not long in discovering that I had not miscalculated either his disposition or ability to serve us.

The Government of France, in reply to the remonstrances of Mr. Seward, promised that the war steamers building at the dockyards of Bordeaux and Nantes for the Confederates, should not leave port so long as there was any risk of their being used to our prejudice but the work went on in the dockyards as before and neither the zeal nor the resources of the builders seemed to have been in the least diminished by the pledges of the Government. This was naturally a source of some anxiety to us, and it was advisable to see



whether the Courts of France might not be used at least to embarrass and delay, if not punish the constructors. With that view I submitted the facts to Mr. Berryer, and asked him whether the parties engaged in building the vessels had not made themselves personally amenable to the penalties which, by the French law, attach to any act, having a tendency to disturb peaceful relations with a friendly power. Mr. Berryer examined the matter carefully, and in a few days gave me an elaborate opinion, affirming the authority of the Courts, to fine and imprison all who were concerned in constructing war vessels for the Confederates. The existence of this opinion of the first lawyer in France, and most respected member of the opposition in the Corps Legislatif, I allowed to transpire in conversation, the press, as I was told, not then being at liberty to give it to the public. That it had none the less effect from this indirect mode of publication was demonstrated within a month. Arman, the principle contractor for the Confederate steamers, was a member of the Corps Legislatif, and supposed to be rather a favorite at Court. At the very commencement of the Session of 1864, he gave notice of an amendment to the Address, recommending a total disregard of the blockade and a practical recognition of the Richmond government, as the shortest means of putting an end to an unprofitable war which had proved prejudicial to the industry of

France, and when this amendment was reached, I was surprised and rather disappointed to find that the presiding officer passing it, announced that the next succeeding amendment was in order. Upon inquiry, it was ascertained that Arman's amendment had been withdrawn, and so quietly too, that not a journal to this day, so far as I know, has chronicled the circumstance. I will not undertake to assign the motives for this proceeding, but I may with propriety say, that the Government was aware that Berryer was determined to make war upon this indirect method of encouraging rebellion in America ; that he was prepared to put Arman to the question if he arose to move the amendment, and to denounce the scheme in bulk and in detail, and that such revelations as he was prepared to make, must appear at length on the following day in the *Moniteur*, to be read by all France.

I need not tell you that the adoption of such an amendment at that time would have involved serious consequences to both nations, certainly and especially to ours. The manner in which it was withdrawn satisfied me that the Imperial Government, if it had ever entertained such a purpose, had then definitely determined not to take the responsibility of letting the steamers be delivered to the Confederates.

The event justified this confidence. One of them only, the *Stonewall Jackson*, fell into the hands of the rebels

through the carelessness or something worse of the Danish Government which had authorized the belief that it had purchased the *Stonewall*, and which certainly did permit her to float the Danish flag, and ship a Danish crew in a Danish port.

The three other vessels to which I have referred were sold by Arman, for account of the Confederates to other governments.

After the peace, a suit was instituted in one of the French tribunals against Arman and his fellow conspirators to recover the price of them, for which he had been twice paid, once in advance by the Confederates and subsequently by the purchasers.

One of the very last professional acts of Mr. Berryer was made as the leading counsel in that prosecution. His argument in that case was every way worthy of his fame. The result of it, however, thus far has only been to vindicate the truth of an impression which he conveyed to me at Augerville in 1863. The Court denied our claim and the cause is now I believe, awaiting the decision of a higher tribunal to which it has been appealed but where, unfortunately, it will not be sustained by his potential name and matchless eloquence.

The peace of '65, which disposed of the rebel steamers as a bone of contention between the United States and France, gave a new gravity to the subject of French intervention in Mexico. As the embarrassments of our



Government ceased at home it was the more disposed to have its voice heard abroad, and as France and her allies had gone to Mexico without much regard to our wishes, we invited them to leave with about equal regard for theirs. It thus for the next two years became the great political problem of our executive to determine precisely how much pressure could be brought to bear upon the French Army in Mexico, without wounding the legitimate sensibilities of the French people, and rallying them to the defence of their national honor.

Here, too, Berryer was one of our most effective friends. Every one knew that the honor of France was safe in his hands. No man ever loved his country more devotedly, or was more sensible to whatever affected her influence and dignity among nations. This renown for being one of the most Gallic of Gauls, one of the most French of Frenchmen, rendered him perfectly unassailable when he denounced the ill-judged effort of the Government to imperialize Mexico.

His speeches on the budget, on the Mexican loan, and subsequently on the project for guarantying the Mexican bondholders, did perhaps as much as any of the utterances of the opposition to alienate from the Imperial Government, whatever sympathy its humiliating embarrassments might, under different circumstances have awakened among the people. The fact,—I do not

know that I should be going too far if I were to say,—the consequence was, that during the last year of the French occupation of Mexico, the policy in which it originated had no countenance whatever in France, except of a very perfunctory sort, and in purely official quarters.

Berryer was born into the Legitimist party to which he was attached through life not only by traditions but by personal associations of the most honorable character. He would never allow that there had been any lawful sovereign upon the throne of France, since the expulsion of Charles X. Unfortunately he entered upon the stage of political life just as his party was quitting it forever. He was thus condemned to fight in the ranks of a hopeless opposition, for principles less acceptable to France than those of the government he attacked.

One of the last acts of his life was to reaffirm his allegiance to the Count de Chambord, and to subscribe himself as the Count's "devoted and faithful subject." His chivalric efforts very early in life to save this gentleman's mother from the consequences of her folly in La Vendee, brought him before a council of war and was near costing him his life. His father used all his powers of persuasion to induce young Berryer, at that early period, to eschew politics, and devote himself to his profession. Looking back upon his career it may

well be doubted whether, in disregarding these counsels he added either to his fame or to his usefulness. His inflexible loyalty to the Bourbon House, which with him was not a policy but a religion, incapacitated him for the leadership of any possible party in France and left him a political influence with the opposition not at all proportioned to his talents or forensic fame. The very hopelessness, however, of the political cause which he espoused, made him comparatively indifferent to the success of the more influential parties into which the Kingdom has from time to time been divided and left him free, disinterestedly to support measures which seemed best adapted to promote the interests of France. He thus became politically a sort of *tertium quid* that could render the more service to other parties because he could do nothing for his own. To this may in part, though not altogether be attributed the amiable relations which always subsisted between him and his colleagues. I say not altogether, for he was by nature utterly free from the vulgar susceptibilities which so often degrade the relations of ambitious men. Never worried by another's success, no one was so ready as he to recognize the merit of a rival or a competitor. He did not comprehend the emotion of envy and probably no man in France was more universally respected nor more devotedly beloved. He never could go into the provinces even on a professional engagement that

he was not overwhelmed with the most flattering attentions, public and private.

Berryer's devotion to Henry V was only greater than his antipathy to the reigning dynasty, which was uncompromising. He had defended Louis Napoleon before the Court of Peers when he was arrested for a criminal attempt to gain the throne and when it was important to show that the prisoner was not possessed with any undue lust of royal honors. It was in the speech which he made on this occasion that he directed that audacious reproach against the Court of Peers, which at the time thrilled all France. "Condemn him  
 " in his defeat, if your conscience assures you that  
 " had he triumphed you would not have served  
 " him; that you who followed the uncle, would not  
 " have submitted to the nephew and to please him,  
 " deserted the monarchy of July as you abandoned  
 " and served the conquered Emperor and the fallen  
 " Bourbon?"

Berryer never forgave himself for the part he took in this defence. He felt that he had feathered the arrow which pierced the lawful sovereign of France and thus had given his throne to a usurper. I doubt if Berryer ever met his illustrious client after the memorable 2d of December. He never would accompany his colleagues to assist at the annual openings of the Corps Legislatif in the presence of the Emperor and I have

been told that when elected to the Academy, he was excused from the customary visit to the Tuileries.

I do not, think however, that the Emperor allowed anything that Berryer did, or neglected to do, to make him feel otherwise than grateful for his services and grieved that his benefactor would never allow him some suitable opportunity of testifying his regard for him. In his reception address at the Academy, Berryer made a sharp allusion to what he termed the degradation of the lower or second Empire. His discourse the next day was suppressed by the police, but as soon as the news reached the Emperor, the interdict was removed.

While to the great prejudice of his political influence and private fortunes, Berryer was devotedly loyal to the man whom he regarded as his legitimate sovereign, he was generally a supporter of liberal measures in days when it required more courage to be liberal, than it happily does in our time.

Berryer was profoundly impressed by the processes and results of our efforts to put down the late rebellion. The sentiment of his opposition to the Imperial Government made him hope rather than expect us to succeed. Our final triumph acted like a chemical alterative upon his political views. He had not till then begun to realize how much wiser is a whole nation than any one of the persons composing it. He

helped to give to Jules Favre, an avowed republican, and now the first orator in France, a seat in the Academy. It may well be doubted whether ten years ago he would not have regarded Favre's political and religious sentiments as a fatal objection to his admission to that body.

I remember meeting Mr. Berryer one evening, early in 1866, at one of the few places frequented by the people of the Court, at which he was ever to be seen. I had just received the news of the dismissal of the Prussian Parliament by Count Bismark, after a brief but very stormy and threatening session. I mentioned to him what had occurred. He said: "You are the cause of this." Wishing to be assured that I understood him correctly, I asked him how the United States could be held responsible for a misunderstanding between the Prussian representatives and their King? "Because," he replied, "you have taught the people their power; you have accomplished such marvels, and surmounted such obstacles, that the masses in Europe are beginning to suspect that they too are capable of bearing a more controlling part in the direction of political affairs." He said this in no spirit of criticism, but rather as one sharing the opinions which seemed in his eyes to be threatening the stability of the Prussian throne. Coming as this did from the extreme outpost of the party of Divine right, it satisfied



me that it was rather in the old world than in the new that the future historian must look for the most momentous results of our late rebellion. In my opinion there is not a people in Europe now living under the same political constitution as before our war, nor a government there that does not share its power with the people on more liberal terms than it did when Jefferson Davis held his rebellious Court at Richmond.

Great as were Berryer's parliamentary achievements, he will probably be remembered longest by his triumphs at the bar. While yet a boy he was associated with his father in the defence of Marshal Ney whom with the other Generals of the first Empire, he sought to rescue from the reprisals of the Restoration. He procured the acquittal of Cambronne and the pardon of Deibelle. Ney was shot, and I remember a reference he once made to the disastrous moral effect of this execution, in a conversation with me, soon after the first amnesty proclamation of Mr. Lincoln. He assumed that it was the President's purpose to insist upon the trial and punishment of all who were not included in that amnesty. He deprecated such a policy ; thought it would be a fatal error, and added in substance, that Jefferson Davis swinging from the gallows would be far more formidable to the United States than he ever was as President of the Confederate States. It will become a matter of just pride with every American, that we have

never had occasion to test the correctness of this opinion.

His greatest efforts were made in the prosecution of Laronciere and in the defence of Lammenais in 1833, of Chateaubriand in 1835, of Prince Louis Napoleon after his attempt to land as sovereign at Boulogne, of the Orleans Princes in 1852 against the law confiscating their property ; of the Count Montalembert in 1854 and again in 1858 ; of Dupanloup, the eloquent Bishop of Orleans and of young Patterson Bonaparte in his efforts to legitimate the marriage from which he sprang.

It probably has not fallen to the lot of any barrister since the time of Cicero, to appear as the leading counsel in such a variety of cases of equal importance with these, and in each to add to the reputation he previously enjoyed.

It has been remarked that, <sup>a</sup> "at his funeral all the

*a. Le Correspondent*

Some days previous to the death of M. Berryer the Count de Montalembert, himself an invalid, wrote the following touching letter, in which he gratefully recognizes his professional obligations to his dying friend :

LA ROCHE-EN-BRENY (COTE-D'OR, 29th Nov., 1868.)

ILLUSTRIOUS CONFRERE AND VERY DEAR FRIEND :

I learn with all France that you are very ill, and, like all France, I am distressed by it,

Not able, because of my sad condition, to go in person to testify to you my ardent solicitude, I do not resist the desire to address to you these lines. I wish to say to you that my heart and my soul are always near you ; that I suffer with you ; that I pray with you and for you. Like so many others, more worthy of being heard, I pray God that your days may be prolonged, not for yourself but for the honor and the example of your poor country which has so much need of such a light as yours.

Independent of these wishes which are mine in common with all honest people



“ clients of the illustrious advocate, from the son of  
 “ Marshal Ney, down to the Orleans Princes, were  
 “ present in person or by their descendants or repre-  
 “ sentatives at Augerville except the one whose head  
 “ formerly defended by him before the Court of Peers,  
 “ now bears the first crown in the universe.” That  
 this had to be so, probably no one regretted more than  
 the august absentee.

Berryer had no facility with the pen and never wrote even a letter that could be dispensed with. I believe that he has left nothing to perpetuate his fame but the imperfectly reported speeches by which he won it.<sup>b</sup> It may be doubted whether he ever wrote a speech in his life except the one which he delivered on his admission to the Academy and yet there are probably few written speeches of celebrity that have cost more labor and study than the best of Berryer's cost him.

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in France, there is one bond that unites us specially, that of gratitude. Never have I forgotten, never shall I forget, what you were to me when twice delivered up to the courts for having said what I thought of the Second Empire, in 1854 and 1858. I had the distinguished honor of being defended and avenged by you. To-day, more than ever, the recollection of that voice, the most eloquent, the most pathetic of our country, which has resounded so loud and so far for so poor a client as myself, penetrates me with inexpressible emotion and gratitude.

If I dare not call myself the most grateful or the most devoted of your friends, I can at least affirm that I am the most ill of them. Condemned for more than three years to an incurable infirmity, I derive from my own sufferings a more profound and natural sympathy for yours. You will not disdain then, I am sure, this cry from a heart which is all yours, which admires you and loves you with the most ardent, the most tender, and the most afflicted affection.

CIL. DE MONTALAMBERT.

<sup>b</sup>. Berryer was not in the habit even of reading the proofs of his speeches in the Corps Legislatif, for the *Moniteur*.

“Your speeches, Demosthenes, smell of oil,” said an Athenian orator, who trusted more to vinous inspiration than to hard study for his success. “And yours,” replied Demosthenes, “smell of wine.” Berryer’s smelt neither of oil nor of wine, for his study was so thorough, and his artistic taste so nice and so highly cultivated, and his susceptibility to the inspiration of an audience so acute that the hearers would no more think of ascribing the merit of his discourses to preparation than they would the Revelations of St. John or the Prophecies of Ezekiel. In his reception discourse before the French Academy he proclaimed, with graceful modesty, the superiority of the writer over the orator; of books which remain, over speeches which pass away, in this adopting if not anticipating the *dictum* attributed to Choate, that nothing lives but a book. He doubtless judged the durability of the orator’s fame correctly and it is a sad thought, rendered more sad by a corresponding loss just sustained by our own bar,\* that the combined effects of Berryer’s sympathetic voice, his graceful and imposing figure, his exalted, almost inspired expression, perished with the occasion that gave them birth. *Sic Haterii canorum illud et profluens cum ipso simul extinctum est.*†

Cobden once said of himself what was eminently true

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\* James T. Brady.

† Tacitus, Ann. Lib. iv. 61.

of Berryer.\* “It is known that I am not in the habit of writing a word beforehand of what I speak in public. Like other speakers, practice has given me as perfect self-possession in the presence of an audience as if I were writing in my closet.” Berryer had a more sympathetic and susceptible nature than Cobden, not to speak of his superior literary training, and of course he kindled in the presence of an audience with more rapidity. It was this emotional quality with which his gifted nature abounded in a very uncommon degree that gave him such ready access to the universal heart and to which he owed his happiest inspirations. At a memorable fête which was given him by the representatives of the entire bar of France on the fiftieth anniversary of his professional life, he was so moved that he could not speak, and was blinded with tears. At last, recovering a little, and turning to Jules Favre, he said to him, “*M. Batonnier*, you have advised me to throw my few words of reply on paper, but what should I do with them? I could not read them!” This felicitous allusion to the blinding evidences of his emotion which were rolling down his cheeks, at once revealed their favorite orator in all his proportions, and converted what might have proved a catastrophe to an ordinary speaker, into one of Berryer’s happiest successes.

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\* Letter to Delane, December 14, 1863.

I would counsel all aspiring young barristers,—old ones do not need the advice,—to let Berryer's experience disabuse them of a too common impression that oratorical genius is a substitute for work. It would be very much nearer the truth to say that the work is usually in direct proportion to the natural gifts of the orator. Berryer never spoke without working out his speech in its minutest details as completely as Michael Angelo worked out the plans of St. Peter's at Rome, before they were committed to the artisans. He never availed himself of a point in an argument till he had found or made it impregnable. He was usually assisted in his preparation, to which the morning hours were habitually devoted, by some clever secretary or associate. At such times he would usually be found in his dressing-gown, unshaven, with a black skull cap on his head, his snuff box under his hand, and everything about him indicating the absorbing nature of his employment. This period of gestation, sometimes lasting several days, once completed, his face would become serene and cheerful, he would make his toilette with care, take some refreshments, send for his carriage and go about the business or pleasure which had the first claim upon his leisure. His speech was made, though not a line was written or to be written. His study was so complete, his memory so tenacious and the order of his mind so perfect that

he had no occasion to give himself farther thought upon the subject. He trusted entirely to his audience for the inspiration which should clothe and present his arguments, but to the hardest study and most patient meditation for the arguments themselves.

In his discourse as in everything Berryer was a perfect artist. He amplified and expanded an idea as naturally as the sun expands a flower. He rarely resorted to any of the logical formulas of argument ; to firstlys and secondlys and thirdlys to mitigate the inconvenient effects of prolixity or obscurity. His hearer neither saw nor heard the machinery of his mental operations but like the temple of Solomon his argument took form and proportion without the sound of hammer or of axe. This symmetrical distribution of power was not confined to his discourse ; it extended to his character. He was singularly free from those personal weaknesses which men advanced in years will never take much pains to conceal. Though accustomed to adulation all his life, it did not spoil him in the least. He betrayed no taste for talking of himself nor any propensity to treat current topics from a personal point of view, neither would he appear to rally against a compliment as though he feared he might succumb to an unworthy influence. In this as in everything else, his taste was as faultless as it was uncommon. It is needless to say of such a man that he was always a favorite with the

gentler sex which is ever disposed to place grace and refinement before all other attractions in men. He was indeed reputed to have been something of a gallant in his time.

Berryer was not thrifty. He acquired money too easily to have ever learned its value, a failing not uncommon with men of genius and in them even, most too readily pardoned. When compelled on one occasion to offer his country place for sale, his admirers purchased and presented it to him. More than once I have been told, his friends had to make up a purse to discharge his debts ; a resource to which the examples of Pitt and Burke and Palmerston and Webster have done what could be done to give dignity and seemliness.

His respect for whatever time had rendered venerable extended to his residences. I have already spoken of his country home built more than two hundred years ago. He resided in town at No. 64 Rue Neuve Des Petits Champs where he had resided for more than fifty years. The room in which he received his clients and friends on the entresol was filled from floor to ceiling with books and papers carefully arranged. The chimney mantle was ornamented with a bronze bust of the Count de Chambord in his youth. On *étagères* were arranged a variety of curious works of art among which were two statuettes in bronze which he especially valued, one of Rossini and the other of O'Connel in



the attitude of denouncing with his clenched fist the enemies of Ireland ; near his seat and within reach were well-worn copies of his favorite books : the Imitation of Christ, Bossuet, Horace, Corneille and Racine. It was with one or another of these, rather than with the daily journals, that he retempered his mind under the wasting toils of his profession.

Without being in the common acceptation of the term a strictly pious man, Berryer was always faithful to the national church in which he had been educated and was a conscientious observer of its ordinances. Indeed it was a mere chance that he did not enter the priesthood. Had he done so, it would probably have been less difficult than it now is, to name the greatest orator which the Gallican church has yet produced. He was always the champion of the church when her prerogatives were encroached upon and one of the sources of his uncompromising opposition to the Emperor was what he regarded as the profane and unfeeling policy of his administration towards the Pope. About a fortnight before he died he wrote a note to the Count de Chambord, which reflects so exactly what was characteristic if not peculiar in his religious and political views that I cannot forbear citing it :

“ MY LORD—

MY KING :

“ They tell me that I touch the term of my life. I

die in sorrow that I have not witnessed the triumph of your hereditary rights consecrating the establishment and development of the liberties of which our country has need.

“ I bear these prayers to heaven for your Majesty, for her Majesty the Queen and for our dear France.

“ That they may be the less unworthy of being accepted by God, I quit life, armed with all the ministrations of our holy religion.

“ Adieu sire, may God protect you and serve France.

“ Your devoted and faithful subject,

“ BERRYER.

“ Nov. 18.”

Whatever else may be said of it, there was something grand in the loyalty which could have inspired a man stretched upon his bed of death to write such a note, and something vital in the faith which in its final agonies was ready to charge itself with such an unselfish mission.

There is a singular unity about Berryer's public life. Though his talents would have commanded any price from any party, he remained faithful all his life to a cause which was ruined when his parliamentary career commenced. He never held any office which he did not owe to a popular election ; he never accepted any office, trust, honor or decoration at the hands of any



sovereign or ministry. He owed nothing of his fame or worldly consideration to prince or to parties or to intrigue. He always was all he seemed to be. Tempted as few men have ever been, he presents the rare spectacle of a long public life without a stain. He was honest in a venal age, and faithful in a changing world. Though attached all his life by the best qualities of his heart to a ruined party he so used his great talents as to earn the gratitude of his country and to win its affection. He lacked nothing but a living cause to have become one of the greatest historic figures of the century.

With the death of Mr. Berryer a professional dynasty may be said to have become extinct. For nearly a century the family has held the undisputed sovereignty of forensic eloquence in France without even an interregnum. After a triumphant career of nearly fifty years the father already a septuagenarian withdrew from the Palais, because as he himself informs us,\* the bar was falling into the habit of retaining his son against him.

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\* *Souvenirs de M. Berryer, Doyen des avocats de Paris de 1774 à 1838, Tom. I. p. 309.*

I remember once in a conversation with the son alluding to the pleasure I had received in the early part of my professional career from a perusal of these "*Souvenirs*," of his father. To my surprise he did not seem to take any pride in them. He said they were written when his father was very old—the implication was too old—that he himself never saw them till they were in print, which he evidently regarded as a grievance, and that they were not printed as they were written. He seemed dissatisfied with them altogether and to regret that they had got into print. I did not remember enough of them to guess at the cause of his dissatisfaction.

After a career of nearly equal length and of greater distinction, his son, though in his seventy-eighth year has at last surrendered his sceptred supremacy to no unlineal hand, to no successful rival, for he had none, but to that Sovereign in whose presence all worldly distinctions disappear.







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